

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
APRIL 4, 2014

The Maple River Water Resource District met on April 4, 2014, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Dan Jacobson and Lance Yohe, Southeast Cass Water Resource District Managers; Michael R. Buringrud and Wes Ecker, North Cass Water Resource District Managers; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Mike Opat, Engineer for the Board; Brady Woodard, Moore Engineering, Inc.; Dean Sprunk, Highland Township Chairman; Bob Runck, Jr., Roger Vining and Harvey Morken, property owners in Casselton Township; Scott Saewert, property owner in Maple River Township; Wesley R. Belter, North Dakota Representative; Kurt Tompkins, U.S. Fish and Wildlife Service; and Tom Brusegaard, Senator John Hoeven's Office.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the March 6, 2014, meeting.

Drain #39 slide repairs

Brady Woodard distributed maps showing the locations on Drain #39 where slides have occurred, and pictures of the slides for the Board's review. Mr. Woodard said the slides in Section 24 of Maple River Township may become a safety concern, as they are getting close to the shoulder of the road. He then distributed a cross-section of a typical gravel trench repair option for the slides. He said this method has been successful on North Cass and Southeast Cass Water Resource District drains.

Different options of cost for repairs were discussed. Scott Saewert of Maple River Township said there is another slide in Section 36 of Maple River Township that may get close to the road after a significant rain event. Mr. Woodard and Mr. Saewert will be in contact regarding the issue, and Mr. Woodard will update the Board at the next meeting. Manager Olson also requested that Mr. Woodard check to see if there are any trees that need to be removed from the drain.

Upper Swan Creek Channel Improvements

Mike Opat reviewed information and funding scenarios regarding the proposed Upper Swan Creek Channel Improvements Project. Bob Runck Jr. was present and indicated

he would like to get through Section 18 in Casselton Township, but funds may only be available to get to the north side of Section 28. He will speak to additional landowners in the area to discuss interest in different options. Harvey Morken said he recognizes the need for retention in the area. The gentlemen will speak with neighboring landowners and discuss the issue further with the Board at a future meeting.

Swan Creek Diversion – rip-rap / erosion repair

Mr. Woodard said he received a phone call from the City of Casselton regarding erosion of rip-rap in the Swan Creek Diversion on the east side of Casselton Veterinary Service, Inc. He discussed possible repair and cost options with the Board.

It was moved by Manager Suhr and seconded by Manager Melvin to authorize Moore Engineering, Inc. to proceed with the rip-rap repair on the Swan Creek Diversion on the east side of Casselton Veterinary Service, Inc., at a cost not to exceed \$4,000. Upon roll call vote, the motion carried unanimously.

Pontiac Township Improvement District No. 73

Dean Sprunk of Highland Township met with the Board to discuss changes to the draft *Operation and Maintenance Plan* for Pontiac Township Improvement District No. 73. He said he was satisfied with the changes made. Manager Olson requested the Board wait until the next meeting to hear from the remaining townships for input on the plan.

Mr. Opat discussed the remaining easements required for the project. He said a landowner has come forward with a concern regarding reimbursement for lost rent on agricultural land during construction of the project. The Board discussed that the easement language used for this project does not suggest lost rent during the construction phase will be covered, but would like to be fair to property owners. Mr. Opat will calculate potential reimbursement amounts for discussion at the next meeting.

Upper Maple River Dam

Mr. Opat updated the Board on the Upper Maple River Dam Project hearing held last Wednesday in Page, North Dakota. The Secretary-Treasurer distributed a letter received from a landowner requesting additional information on the Upper Maple River Dam.

It was moved by Manager Suhr and seconded by Manager Melvin to authorize the Secretary-Treasurer to send a letter to the landowner with the information requested and a copy of the PowerPoint presentation from the project hearing. Upon roll call vote, the motion carried unanimously.

Garsteig Dam

Mr. Woodard presented pictures of damages to the concrete principal spillway pipe at Garsteig Dam. The Natural Resources Conservation Service was notified regarding repair of the pipe, but a response has not been received. Mr. Woodard will monitor the pipe, and update the Board on the matter at the next meeting.

Garsteig-Embden Maintenance District

Mr. Opat updated the Board on the discussion with the Cass County Commission regarding the development of the Garsteig-Embden Maintenance District. Additional minutes are attached hereto.

Mr. Opat distributed a preliminary PowerPoint presentation regarding the Garsteig-Embden Maintenance District for use at a future hearing, for the Board's review and comments.

U.S. Fish and Wildlife – easements for wetland protection

Kurt Tompkins with the U.S. Fish and Wildlife Service (USFWS) met with the Board to discuss their efforts for wetland protection easements in Cass County and distributed maps showing the easement acquisition status in Cass County to-date. He gave the Board a brief history of their efforts, saying the USFWS has been purchasing perpetual / permanent easements for wetland preservation since the 1960's. He distributed a copy of a letter and handout that has gone out to 240 landowners in 4 Townships in the western part of Cass County, soliciting interest from landowners in selling easements to the USFWS. The revenue from 90% of the duck stamp sales goes toward land acquisition goals.

Chairman Olson asked Mr. Tompkins to explain the USFWS easements and what a landowner can and cannot do after selling a permanent easement to USFWS. Mr. Tompkins explained once an easement has been purchased by USFWS, it will be attached to the land forever, regardless of a change in ownership. He said once a wetland is under an easement, the wetland cannot be drained or filled, and burning is on a 3-year rotation. Mr. Tompkins said access and agricultural production is not restricted. The property owner continues to manage the property and pays all real estate taxes.

Chairman Olson said the Board is concerned the easements would limit the ability to manage water in the Water Resource District. Mr. Tompkins said if the Water Resource District has a project that comes through USFWS property, they will not stop it. The USFWS is interested in isolated potholes, not coulees, road ditches or legal drains.

Chairman Olson asked if additional compensation would be granted to landowners if a protected wetland grows from the original size of the easement, or if landowners are able to drain the wetland back down to the size agreed upon by easement to maintain productivity. Mr. Tompkins replied if the USFWS cannot prove the landowner impacted their interests, it could be possible. He has seen in the past that if an easement map is very inaccurate, a second offer has been made.

Chairman Olson expressed concern that landowners being offered these easements do not fully understand what they are signing. The Board requested a copy of the USFWS manual.

Manager Melvin expressed frustration with the inability to drain swelled wetlands after an easement is placed on the property, which forces landowners to take land out of production without compensation, and the duck population begins to eat the surrounding crop. He is concerned with the lack of maintenance after easements are purchased by the USFWS.

Sean Fredricks asked if the easement language can be modified to include more specific boundaries rather than legal descriptions. Mr. Tompkins replied he has never seen the contracts modified, however maps can be modified.

Wes Belter says he believes it is important the Water Resource Districts make an effort to get the correct information out to landowners regarding how the easement contracts read.

The Board will discuss the issue further at the next Cass County Joint Water Resource District meeting.

State Water Plan for the 2015-2017 biennium – projects / programs to submit

It was moved by Manager Suhr and seconded by Manager Melvin to authorize the Secretary-Treasurer to submit the forms regarding the projects and programs for the State Water Plan for the 2015-2017 biennium to the State Water Commission, as recommended by the Engineer for the Board. Upon roll call vote, the motion carried unanimously.

Drain inspections

The Board directed Mr. Woodard to perform inspections on Maple River Water Resource District facilities. Mr. Woodard will discuss the findings with the Board at a future meeting.

Weed control

Mr. Woodard discussed a new treatment for cattails, allowing them to be sprayed earlier in the season. He will note any problem areas he sees when inspecting the Water Resource District facilities.

North Dakota Insurance Reserve Fund – proxy for annual meeting

It was moved by Manager Melvin and seconded by Manager Suhr to authorize the Secretary-Treasurer to sign the proxy relating to the North Dakota Reserve Fund annual meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5205 through #5217 and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer